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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
KIMBERLY JEAN WYKA,
14 Defendant.

Case No. 2:23-mj-00816-BNW

**JOINT STATUS REPORT AND
STIPULATION TO CLOSE CASE**

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Randolph J. St. Clair, Assistant United States Attorney,
18 counsel for the United States of America, and Rene L. Valladares, Federal Public
19 Defender, and Keisha K. Matthews, Assistant Federal Public Defender, counsel for
20 Kimberly Jean Wyka, that the remaining term of unsupervised probation be terminated,
21 and the above-captioned matter be closed.

22 This Stipulation is entered into for the following reasons:

23 1. On November 23, 2023, Ms. Wyka entered into a Petty Offense Plea
24 Agreement with the United States in which she agreed to plead guilty to Count
25 One of the Complaint, Operating a Motor Vehicle while Under the Influence of
26 Alcohol in violation of 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor. ECF No. 13.

1 2. The parties agreed to recommend that Ms. Wyka be sentenced to one
2 year of unsupervised probation with the following special conditions: (i) pay a \$400
3 fine and a mandatory \$10 penalty assessment; (ii) attend and complete the Lower
4 Court Counseling's DUI course and Victim Impact Panel; (iii) complete an 8-hour
5 online drug and alcohol course; (iv) stay out of the Lake Mead National Recreation
6 Area for a period of 6 months and (v) not violate any local, state, or federal laws for
7 a period of six months.

8 3. On November 23, 2023, this Court sentenced Ms. Wyka pursuant to
9 the parties' plea agreement.

10 4. Since commencing her term of unsupervised probation, Ms. Wyka has
11 successfully completed conditions (i), (ii), (iii), (iv), and (v).

12 5. The parties agree to jointly move to allow Ms. Wyka to withdraw her
13 plea of guilty to Count 1, Operating a Motor Vehicle while Under the Influence of
14 Alcohol in violation of 36 C.F.R. § 4.23(a)(1).

15 6. The government herby moves, pursuant to the plea agreement to
16 amend Count 1 of the Complaint to a charge of Reckless Driving, a violation of Title 36
17 C.F.R. § 4.2(b) and NRS 484B.653.

18 7. Ms. Wyka hereby pleads guilty to the amended Count 1 of the
19 Complaint.

20 8. The parties jointly request that the original sentence be applied to the
21 Reckless Driving conviction.

22 9. Considering Ms. Wyka has successfully completed all terms and
23 conditions of her sentence, the parties jointly request that the remaining term of
24 unsupervised probation be terminated, and the above-captioned matter be closed.
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26

DATED this 21st day of May 2024.

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Keisha K. Matthews
By _____

KEISHA K. MATTHEWS
Assistant Federal Public Defender

/s/ Randolph J. St. Clair
By _____

RANDOLPH J. ST. CLAIR
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4
5 Plaintiff,

6 v.

7 KIMBERLY JEAN WYKA,
8 Defendant.

Case No. 2:22-mj-00213-BNW

ORDER

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10 Based on the pending Stipulation of counsel, and good cause appearing
11 therefore, the Court finds that:

12 1. Ms. Wyka has successfully completed all terms and conditions of her
13 sentence.

14 **ORDER**

15 IT IS HEREBY ORDERED that Ms. Wyka's request to withdraw her guilty
16 plea to Operating a Motor Vehicle while Under the Influence of Alcohol is
17 GRANTED.

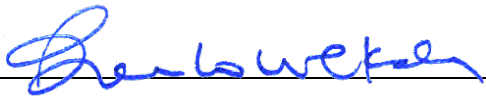
18 IT IS FURTHER ORDERED that the government's request to amend Count
19 One of the Complaint to a charge of Reckless Driving, a violation of 36 CFR § 4.2
20 and NRS 484B.653, a misdemeanor, is GRANTED.

21 IT IS FURTHER ORDERED that the Court accepts Ms. Wyka's guilty plea
22 to the amended Count 1 of the Complaint – Reckless Driving, a violation of 36 CFR
23 § 4.2 and NRS 484B.653, a misdemeanor.

24 IT IS FURTHER ORDERED that the original sentence be applied to the
25 amended Count 1 of the Complaint.
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1 IT IS FURTHER ORDERED that because Ms. Wyka has completed all
2 terms and conditions of her sentence, the remaining term of unsupervised
3 probation is terminated, and this case is closed.

4 DATED this 22nd day of May 2024.

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7 UNITED STATES MAGISTRATE JUDGE
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